

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KIMBERKY ANN BACOT

VS

KILOLO KIJAKAZI Acting Commissioner
of the Social Security Administration

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CIVIL ACTION NO. H 23-3233

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

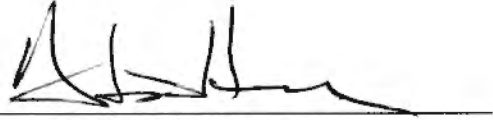
Pending before the Court in the above referenced proceeding is the Plaintiff's motion for summary judgment (Doc. No. 13), the responses and replies thereto (Doc. Nos. 17, 25, 26), and Magistrate Judge Bennett's Memorandum and Recommendation (Doc. No. 41). Neither party filed objections to the Memorandum and Recommendation and the time for doing so has passed.

The Court has carefully reviewed the filings, the applicable law, the Magistrate Judge's Memorandum and Recommendation, and agrees with the Magistrate Judge's conclusions. This Court notes that the Memorandum and Recommendation refers to Docket Entry 14 as a cross-motion for summary judgment. It is not; it is merely a response to the Plaintiffs motion. Therefore, it cannot be granted. While the Defendant did not file its response as a response and cross-motion is beyond the Court's knowledge, but nevertheless, given that it did not, this case cannot be dismissed. Accordingly, it is hereby

ORDERED that the Memorandum and Recommendation (Doc. No. 41) is **ADOPTED**, and Plaintiff's Motion for Summary Judgment (Doc. No. 13) is **DENIED**. It is further

ORDERED that the Commissioner's decision is **AFFIRMED**.

SIGNED at Houston, Texas, this 30th day of September 2024.

A handwritten signature in black ink, appearing to read 'Andrew S. Hanen', is written over a horizontal line.

ANDREW S. HANEN
UNITED STATES DISTRICT JUDGE